

REMARKS/ARGUMENTS

The present Amendment is in response to the Office Action having a mailing date of July 13, 2004, and the interview with the Examiner on December 28, 2004. Claims 1-38 are pending in the present Application. Consequently, claims 1-38 remain pending in the present Application. Applicant has amended claims 1, 4, 7, 20, 26, and 38. Consequently, claims 1-38 remain pending in the present Application.

Applicant has amended claims 1, 7, 20, 26, and 38 to correct minor errors and to recite the tag received in the image file is received in a separate communication from the user setting the plurality of defaults and that initially provides the first portion of the plurality of images and, therefore, the corresponding at least one image file. Support for the amendment may be found in the specification, page 8, lines 4-9. Applicant has also amended claim 4 to harmonize claim 4 with claim 1. Applicant respectfully submits that no new matter is added.

In the above-identified Office Action, the Examiner rejected claims 1, 5-20, and 24-38 under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 6,459,511 (Haneda). The Examiner rejected claims 2, 3, 21, and 22 under 35 U.S.C. § 103 as being unpatentable over Haneda in view of U.S. Patent No. 5,963,916 (Kaplan). The Examiner also rejected claims 4 and 23 under 35 U.S.C. § 103 as being unpatentable over Haneda in view of U.S. Patent No. 6,324,545 (Morag).

In the above-identified Office Action, the Examiner rejected claims 1, 5-20, and 24-38 under 35 U.S.C. § 102 as being anticipated by Haneda.

Applicant respectfully traverses the Examiner's rejection. Claims 1, 7, 20, 26, and 38 recite that information that alters defaults for an album are received in a tag stored in at least one image file for a first portion of the plurality of images. Claims 1, 7, 20, 26, and 38 also recite that the tag received in the image file is received in a communication that is separate from the

user setting the plurality of defaults and that initially provides the first portion of the plurality of images corresponding to the at least one image file. Thus, when the user initially provides the image file, for example to a server as recited in claims 20 and 26, the user also provides the tags that alter defaults that may have been previously set.

In contrast, Haneda describes a system which initially provides default-altering information to the laboratory of Haneda using other mechanisms such as special photographic film, on paper, or a sales slip. Haneda, col. 18, lines 32-35; col. 23, lines 32-33. Thus, this information is not initially provided by the user in the form of tags in an image file. Instead, it is provided in another manner. Once the laboratory has received this information and the film images, the laboratory stores the information and the images on the user's disk. Haneda, col. 28, lines 18-21. Although the user provides information that alters defaults along with film images to the laboratory of Haneda, the user does not do so by providing the image file containing the tags. Instead, the laboratory stores the information that can be used to alter defaults in the user's disk along with the image file. Stated differently, although information that may be used to alter defaults is stored in the image file, the information is initially stored by the lab, rather than being initially provided by the user in the image file(s) as the pending independent claims now require. Consequently, Haneda fails to teach or suggest the methods and systems recited in claims 1, 7, 20, 26, and 38. Accordingly, Applicant respectfully submits that claims 1, 7, 20, 26, and 38 are allowable over the cited references.

The teachings of Kaplan and Morag fail to alter this conclusion. Kaplan describes a system in which multimedia can be viewed and, if desired, purchased by a user. Kaplan, col. 15, lines 40-67. The cited portion of Kaplan makes no mention of providing tags in image files in the communication that initially provides the image files, of the tags being used to alter user-set defaults, and of separately setting defaults which the information in the tags change. Morag

describes a system in which digital images and instructions are provided. Morag, col. 7, line 15-58. Although Morag functions for its intended purpose, Applicant has found no mention in the cited portion of Morag of providing tags in image files in the communication that initially provides the image files, of the tags being used to alter user-set defaults, and of separately setting defaults which the information in the tags change. Consequently, even if the teachings of Kaplan and/or Morag were added to the teachings of Haneda, the combination would still have the defects of Haneda. Consequently, Haneda in view of Kaplan and/or Morag would still fail to teach or suggest the methods and systems recited in claims 1, 7, 20, 26, and 38. Accordingly, Applicant respectfully submits that claims 1, 7, 20, 26, and 38 are allowable over the cited references.

Claims 5-6 and 8-19 depend upon independent claim 1. Claims 24-25 and 27-37 depend upon independent claim 20. Consequently, the arguments herein apply with full force to claims 5-6, 8-19, 24-25 and 27-37. Accordingly, Applicant respectfully submits that claims 5-6, 8-19, 24-25 and 27-37 are allowable over the cited references.

The Examiner rejected claims 2, 3, 21, and 22 under 35 U.S.C. § 103 as being unpatentable over Haneda in view of Kaplan.

Applicant respectfully traverses the Examiner's rejection. Claims 2-3 and 21-22 depend upon claims 1 and 20, respectively. Accordingly, the arguments herein with respect to Haneda and Kaplan apply with full force to claims 2-3 and 21-22. Accordingly, Applicant respectfully submits that claims 2-3 and 21-22 are allowable over the cited references.

The Examiner also rejected claims 4 and 23 under 35 U.S.C. § 103 as being unpatentable over Haneda in view of Morag.

Applicant respectfully traverses the Examiner's rejection. Claims 4 and 23 depend upon claims 1 and 20, respectively. Accordingly, the arguments herein with respect to Haneda and

Kaplan apply with full force to claims 4 and 23. Accordingly, Applicant respectfully submits that claims 4 and 23 are allowable over the cited references.

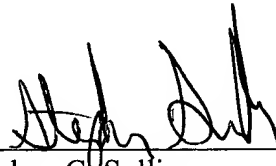
Applicant's attorney believes that this application is in condition for allowance. Should any unresolved issues remain, Examiner is invited to call Applicant's attorney at the telephone number indicated below.

Respectfully submitted,

SAWYER LAW GROUP LLP

January 5, 2005

Date

A handwritten signature in black ink, appearing to read "Stephen G. Sullivan", is written over a horizontal line.

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